

Appl. No. 09/637,120
Amdt. Dated 08/07/2006
Reply to Office action of 05/05/2006

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REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed May 5, 2006. In the Office Action, claims 1-3, 6-11, 13, 23-35, 38 and 40-51 were rejected under 35 U.S.C. §103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claims 1-3, 6-11, 13, 23-35, 38 and 40-51 remain in this application. Herein, claims 1, 3, 23-25, 38, 40 and 49 have been amended.

Request for Examiner's Interview

The Examiner is respectfully requested to contact the undersigned by telephone if after review, such claims are still not in condition for allowance. This telephone conference would greatly facilitate the examination of the present application. The undersigned attorney can be reached at the telephone number listed below.

Rejection Under 35 U.S.C. § 103

(1) Claims 1-3, 7-11, 13, 23, 25-27, 29-35 and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yang (U.S. Patent No. 6,301,586) in view of Shiimori (U.S. Patent No. 6,567,983). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q. 2D 1596 (Fed. Cir. 1988).* Herein, the combination of the cited references (Yang & Shiimori) fails to describe or suggest all the claim limitations.

With respect to independent claims 1 and 23, for example, Applicants respectfully submit that neither Yang nor Shiimori, alone or in combination, describe or suggest the limitations of (1) *arranging the presentation images according to at least one characteristic by the server*, and (2) *organizing the presentation images in the visual presentation by the server, wherein organizing includes automatically modifying the inconsistent presentation attributes of the plurality of presentation images to have consistent presentation attributes*. Emphasis added.

In contrast, the Examiner states that column 8, lines 15-28 of Yang describes the arrangement of the presentation images. Upon review, this passage describes keyword link tables (131 and 132) that allow a user to select keywords from an existing keyword list, but which does not describe suggest the arrangement of the presentation images by the server according to characteristics provided by the client.

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Therefore, the §103(a) rejection should be withdrawn based on such lack of teaching or suggestion of the above-identified limitation.

Furthermore, the Examiner states that columns 23 (lines 28-32) and 14 (lines 45-53) of Yang describes the organization of the presentation images in the visual presentation by the server, where such organization involves automatic modification of the inconsistent presentation attributes of the plurality of presentation images to have consistent presentation attributes. While the Office Action states that it is inherent in the teachings of Yang that the pictures will be automatically adjusted during the slide show if the re-size image is selected, Applicants respectfully disagree with such analysis. Such analysis is based on a single attribute and does not address the modification of presentation images to be consistent in size and color (attributes that create a visually attractive and uniform presentation). *See page 10 lines 7-10 of the subject application.*

Therefore, the §103(a) rejection should be withdrawn based on such lack of teaching or suggestion of the above-identified limitation.

In addition, the Examiner states that Yang fails to teach completing the visual presentation at the server side and then transmitting the visual presentation from the server to the client. Instead, the Examiner has relied on the alleged teachings of such limitations by Shiimori (col. 3, lines 1-54). Applicants respectfully traverse the rejection because Shiimori does not teach or suggest organize the presentation images in the visual presentation (considered to be the electronic album by the Examiner), by the server. Rather, the electronic album is sent from the client to the server and such data is merely stored in the server. The server does not organize the presentation images as claimed.

In addition, Applicants respectfully submit that dependent claims 2-3, 7-11, 13, 25-27, 29-35 and 42 are in condition for allowance based on their own merit. However, no further discussions as to the grounds for allowability is warranted based on their dependency on independent claims 1 and 23, which are believed by Applicants to be in condition for allowance. Applicants reserve the right to present such arguments in an Appeal is warranted.

Therefore, the §103(a) rejection as applied to claims 1-3, 7-11, 13, 23, 25-27, 29-35 and 42 should be withdrawn based on such lack of teaching or suggestion of the above-identified limitation.

(2) Claims 24, 43, 44, 46 and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yang in view of Shiimori and Asami (U.S. Patent No. 6,747,674). Applicants respectfully traverse the rejection and submit that dependent claims 24, 43, 44, 46 and 47 are in condition for allowance based on their own merit. For instance, Applicants respectfully submit that Asami teaches user controlled organization of picture thumbnails based on a sequence in time at the client side, and does not teach or even suggest such operations performed at the server side. Hence, the combined teachings of the cited references would be directed to production of an electronic photo album that is arranged in a time sequential manner at the client side, which does not provide any teaching or suggestion to the server operated limitations set forth in claims

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1 and 23. Moreover, no further discussions as to the grounds for allowability is warranted based on their dependency on independent claims 1 and 23, which are believed by Applicants to be in condition for allowance. Applicants reserve the right to present such arguments in an Appeal is warranted.

Withdrawal of the §103(a) rejection as applied to claims 24, 43, 44, 46 and 47 is respectfully requested

(3) Claims 38, 40, 49, and 50 under 35 U.S.C. § 103(a) were rejected under 35 U.S.C. §103(a) as being unpatentable over Yang in view of Asami. Applicants respectfully traverse the rejection and submit that independent claims 38 and 49 are in condition for allowance because a *prima facie* case of obviousness has not been established. Applicants incorporate by reference those arguments set forth above. As an example, the combination of these references does not teach or suggest modification of the presentation images to be consistent based on multiple characteristics and arranging the presentation images according to the characteristics provided by the client.

Withdrawal of the outstanding §103(a) as applied to claims 38, 40, 49, and 50 is respectfully requested.

(4) Claims 6, 28, 41, 45 and 51 as being unpatentable over Yang in view of various secondary references. Applicants respectfully traverse the rejection and submit that dependent claims 6, 28, 41, 45 and 51 are in condition for allowance based on their own merit. However, no further discussions as to the grounds for allowability for these claims is warranted based on their dependency on independent claims 1, 23, 38 and 49, which are believed by Applicants to be in condition for allowance. Applicants reserve the right to present such arguments in an Appeal is warranted.

Withdrawal of the outstanding §103(a) as applied to claims 6, 28, 41, 45 and 51 is respectfully requested.

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Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1-3, 6-11, 13, 23-35, 38 and 40-51 are allowable over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 7, 2006

By


William W. Schaaf

Reg. No. 39018

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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8/7/2006

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